

Decision 02-04-040 April 22, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

B.H. Properties, LLC,

Complainant,

vs.

Suburban Water Systems,

Defendant.

Case 01-06-009  
(Filed June 7, 2001)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. In the unopposed joint motion filed February 12, 2002, both parties request that the Commission extend the June 7, 2002 deadline in this proceeding by four months.

The parties request the extension to accommodate delays in this proceeding occasioned by accommodation of their own business and personal schedule conflicts. These conflicts caused an initial delay of approximately 45 days in the evidentiary hearing and a subsequent delay in the briefing and submission of this case. The parties expressly acknowledge that these delays are not attributable "to any inattention or dereliction on the part of the Commission." (Motion at 1.)

The revised briefing schedule, which the administrative law judge adjusted to accommodate the parties, calls for opening briefs on April 16 and reply briefs, and concomitant submission of this case, on April 30, 2002. The time between submission and June 7, 2002, is so short as to make resolution of this case by June 7, 2002 virtually impossible. A four-month extension in the deadline will provide sufficient time for all of the remaining procedural steps in the governing statutory process. (See Pub. Util. Code 1701.2(a) which sets out the process for resolution of adjudicatory proceedings.)

Good cause appearing, we will grant the motion and will extend the deadline for resolving this case to October 7, 2002.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions that extend the deadline for resolution of adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable period for public review and comment is being waived.

### **Findings of Fact**

1. Pursuant to Pub. Util. Code § 1701.2(d), the current deadline for resolving this case is June 7, 2002.

2. The parties request the extension to accommodate delays in this proceeding attributable to their own business and personal schedule conflicts. These conflicts caused an initial delay of approximately 45 days in the evidentiary hearing and a subsequent delay in the briefing and submission of this case.

3. The revised schedule for briefing and submission makes resolution of this case by June 7, 2002 virtually impossible.

**Conclusions of Law**

1. The parties' February 21, 2002 joint motion for a four-month extension of the current deadline for resolution of this proceeding should be granted, effective immediately.
2. The current deadline for resolution of this proceeding, imposed by Pub. Util. Code § 1701.2(d), should be extended until October 7, 2002.

**O R D E R**

**IT IS ORDERED** that the 12-month statutory deadline for this proceeding, June 7, 2002, is extended to October 7, 2002.

This order is effective today.

Dated April 22, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
CARL W. WOOD  
GEOFFREY F. BROWN  
MICHAEL R. PEEVEY  
Commissioners